

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #4	CCRB Case #: 201800301	<input checked="checked" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury		
Incident Date(s) Thursday, 01/11/2018 11:40 AM	Location of Incident: 26 Federal Plaza; Broadway between Duane and Warren Streets		Precinct: 05	18 Mo. SOL 7/11/2019	EO SOL 7/11/2019
Date/Time CV Reported Fri, 01/12/2018 12:54 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/12/2018 12:54 PM		

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[illegible]

Subject Officer(s)	Shield	TaxID	Command
1. POM Numael Amador	09643	953634	SRG 3
2. SGT Richard Jones	04142	923992	SRG 1
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. INS Matthew Hyland	00000	895568	PBMS
2. LT Richard Mack	00000	916095	SRG 4
3. SGT Cory Weiner	04924	947600	SRG 5
4. POM Anthony Biagini	01060	952464	SRG 5
5. POM David McCall	12403	953081	SRG 3
6. POM Kevin Thomas	24437	942919	SRG 3
7. POM Nicholas Zotto	19080	959409	MTS PCT
8. POM Enrique Urena	13236	953509	005 PCT
9. CPT Robert Ohare	00000	916960	006 PCT
10. POM Steven Ulrich	13841	954532	SRG 3
11. POM Chung Kim	23381	930481	SRG 4
12. POM Donald Pak	29510	930901	SRG 4
13. COD Terence Monahan	00000	876747	CD OFF
14. CPB William Morris	00000	875645	PER BUR
15. COP Rodney Harrison	00000	901066	P S B
16. DC Salvatore Comodo	00000	882370	PBMS
17. INS Derrick Corrado	00000	897238	I.A.B.
18. DI Tommy Ng	00000	919478	005 PCT
19. DI Vincent Greany	00000	926905	009 PCT
20. DI Andrew Lombardo	00000	914124	I.A.B.

<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>
21. DI Andrew Ventrella	00000	896907	SRG 1
22. DI Carlos Ortiz	00000	919517	DBMS OP
23. CPT Andrew Arias	00000	934416	DBM ZN2
24. SGT Jaclyn Keane	01606	948362	LEG BUR
25. DT1 Ahmed Nasser	00040	925818	D C P I
26. POM Bryan Wilson	10392	942712	SRG 2
27. POM Jabbed Ahmed	19415	926481	SRG 1
28. POM Jonmichael Delarosa	17451	951668	SRG 1
29. POF Elizabeth Rodriguez	30199	946174	SRG 1
30. POF Rachel Ayala	29076	941377	SRG 2
31. SGT Kevin Finegan	01598	923434	SRG 2
32. POM Anthony Jones	01973	947114	SRG 1

  

<b>Officer(s)</b>	<b>Allegation</b>	<b>Investigator Recommendation</b>
A. Officers	Force: Between 26 Federal Plaza and Broadway and Warren Street in Manhattan, officers used physical force against individuals.	
B.SGT Richard Jones	Force: Outside of 26 Federal Plaza in Manhattan, Sergeant Richard Jones used physical force against an individual.	
C.POM Numael Amador	Force: Outside of 26 Federal Plaza in Manhattan, Police Officer Numael Amador used a chokehold against § 87(2)(b)	
D.POM Numael Amador	Force: At Broadway and Duane Street in Manhattan, Police Officer Numael Amador used a chokehold against Juan § 87(2)(b)	

### **Case Summary**

On January 11, 2018, Deputy Inspector Thomas McGrath of IAB Group 54 filed this complaint with IAB via phone on behalf of multiple civilians who were arrested during this incident. The IAB referral was received at the CCRB on January 17, 2018. Between January 12, 2018, and January 16, 2018, § 87(2)(b) of § 87(2)(b) as well as multiple reporting non-witnesses and complainant witnesses, filed this complaint with the CCRB online and via phone on behalf of § 87(2)(b) and § 87(2)(b).

This case was added to the sensitive case list due to local TV news coverage, news articles published in multiple news outlets, and numerous social media posts about the incident.

On January 11, 2018, at approximately 11:40 a.m., at Duane Street between Lafayette Street and Broadway in Manhattan, multiple police officers pushed numerous civilians attending a rally in support of immigrant rights activist Ravi Ragbir (**Allegation A: Force, § 87(2)(g)**). Sgt. Richard Jones of SRG 1 allegedly used an open palm to strike an unidentified male on the top of his head (**Allegation B: Force, § 87(2)(g)**). PO Numael Amador of SRG 3 used a chokehold against § 87(2)(b) (**Allegation C: Force, § 87(2)(g)**). PO Amador used a chokehold against § 87(2)(b) (**Allegation D: Force, § 87(2)(g)**).

A total of 18 individuals, including § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were arrested during the incident for various charges, including § 87(2)(b).

The attorney representing all of the arrested protestors, § 87(2)(b), did not want any of the arrestees to cooperate with the investigation. The portion of this case involving the arrests was thus closed as pending litigation under case 201800311.

Multiple civilians who filed complaints about this incident were either confirmed to be non-reporting witnesses or did not respond to contact attempts (BR 23).

There was a concurrent IAB investigation into this incident, which was still ongoing as of the date of this report.

The investigation also sent a referral of this case to the Department of Homeland Security because the investigation determined that numerous DHS officers were involved.

The investigation obtained dozens of video recordings of this incident derived from media outlets, civilian witnesses, NYPD security cameras, and security cameras from commercial establishments in the vicinity of the incident.

### **Findings and Recommendations**

#### **Allegation A – Force: Between 26 Federal Plaza and Broadway and Warren Street in Manhattan, officers used physical force against individuals.**

It is undisputed that on the morning of January 11, 2018, approximately 400 immigrant rights activists and clergy from multiple advocacy and faith organizations assembled at Foley Square. According to the event permit (BR 20), the rally was a registered event performed weekly by the activists in solidarity with immigrants facing deportation. During each event, the activists

would engage in a “Jericho Walk,” or a repeated, silent march around 26 Federal Plaza, a building at the western side of Foley Square that houses the Department of Homeland Security (DHS) and Immigrations and Customs Enforcement (ICE).

On this particular date, a leader of the immigrant rights movement, § 87(2)(b), was inside of 26 Federal Plaza for a routine immigration check-in with DHS personnel. Several of § 87(2)(b) friends and associates, including multiple New York City Council Members and other elected officials, thus attended the rally.

After engaging in a “Jericho Walk,” the group of protestors gathered at the southern end of Foley Square. At that time, New York City Council Member § 87(2)(b) informed the members of the rally that § 87(2)(b) had been detained by immigration authorities and would be removed from 26 Federal Plaza in an ambulance.

The assembled individuals then walked to north side of Duane Street between Lafayette Street and Broadway, where there is an entrance ramp leading to a garage beneath 26 Federal Plaza. As the ambulance carrying § 87(2)(b) emerged from the garage via this ramp, multiple protestors stood in the street to block the ambulance from leaving the building. Moving to the street to block the ambulance was an unplanned, spontaneous action on the part of the protestors.

Numerous uniformed NYPD officers arrived on the scene from multiple commands, including Strategic Response Groups 1, 2, 3, 4, and 5, Midtown South, Patrol Borough Manhattan South, 5<sup>th</sup> Precinct, 6<sup>th</sup> Precinct, 9<sup>th</sup> Precinct, and the NYPD Legal Bureau. A comprehensive list of identified officers can be located in the transcriptions of the video footage obtained by the investigation. Several federal law enforcement officers from the Department of Homeland Security also approached the street as the ambulance emerged from the federal building.

As the protestors gathered on the street in front of the ambulance, the NYPD officers and federal agents issued multiple commands for the civilians to clear the roadway, but they did not do so.

The officers then pushed and pulled the civilians out of the roadway as the ambulance drove west on Duane Street toward Broadway. The crowd followed the ambulance down the street. The protestors stood on the street on the sides and in front of the ambulance. Some of the protestors sat or lied down on the street in front of the ambulance. Protestors were chanting and yelling, playing drums and other musical instruments, and generally refusing numerous commands to get out of the street. The officers were aware that § 87(2)(b) had been detained by federal agents, needed medical attention, and was being removed from the federal building in the ambulance. Because this action was not a planned part of the protest, there was little time for the officers to coordinate a response.

Officers continued to push and pull numerous civilians out of the street to clear a path for the ambulance. The ambulance slowly moved down Duane Street, took a left on Broadway, and drove approximately three blocks south to the corner of Broadway and Warren Street. Near Broadway and Warren Street, the officers placed 18 civilians, including § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) under arrest for § 87(2)(b), among other charges.

The investigation interviewed several civilians who were present during the protest, including § 87(2)(b) (BR 01), § 87(2)(b) (BR 02), § 87(2)(b) (BR 03), Billy § 87(2)(b) (BR 04), § 87(2)(b) (BR 05), § 87(2)(b) (BR 06), § 87(2)(b) (BR 07), and § 87(2)(b) (BR 08). § 87(2)(g)

The investigation obtained dozens of video recordings of the incident from news outlets, social media postings, and witnesses. All of the videos corroborated the version of events provided by the civilian witnesses and PO Amador.

One of the aforementioned interviewed civilians, § 87(2)(b) recorded the most comprehensive video of the incident on his personal cell phone, which he provided to the CCRB. The video file was too large to embed in the closing report and can be viewed in IA 533 (BR 15). All other videos can be viewed under the “video” tab in CTS Utilities, and a full index of videos is available in IA 270 (BR 24).

The unusual occurrence report (BR 22) was consistent with PO Amador and the civilian witnesses in describing the chaotic nature of the incident. The report also noted that seven officers sustained various injuries during the incident, consisting of pain to various body parts.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. Patrol Guide Procedure 221-01 (BR 10).

§ 87(2)(g)

**Allegation B – Force: Outside of 26 Federal Plaza in Manhattan, Sergeant Richard Jones used physical force against an individual.**

One of the complainant witnesses, § 87(2)(b) alleged that he saw an unidentified male fall to the street during the protest and witnessed Sgt. Richard Jones strike the unidentified male on the top of his head with an open palm while he was on the ground. § 87(2)(b) was uncooperative and did not provide a verified statement (BR 11). § 87(2)(b)'s allegation was not depicted on any video obtained by the investigation and was not corroborated by any other witness. § 87(2)(g)

**Allegation C – Force: Outside of 26 Federal Plaza in Manhattan, Police Officer Numael Amador used a chokehold against § 87(2)(b)**

According to § 87(2)(b) (BR 02), he was among the many protestors who stood in the street in front of the ambulance as it emerged from the federal building. PO Amador approached § 87(2)(b) and pushed him once, using two hands to make contact with § 87(2)(b)'s upper

chest. § 87(2)(b) stumbled backward a few steps while remaining in front of the ambulance. PO Amador raised his hands as though to push § 87(2)(b) body for a second time and allegedly grabbed and squeezed § 87(2)(b)'s neck with both hands while pushing § 87(2)(b) backward. § 87(2)(b) could not estimate the duration of the contact and did not recall if his breathing was restricted. § 87(2)(b) moved back in front of the ambulance, and officers pushed him out of the street repeatedly until the protest ended. § 87(2)(b) was not arrested.

§ 87(2)(b) also initially alleged that multiple other officers made contact with his neck at different points during this incident; however, upon further questioning, § 87(2)(b) stated that no other officer besides PO Amador made contact with his neck.

The investigation obtained dozens of video files from a variety of sources showing various parts of this incident, including an edited social media video (BR 12) filmed by an unidentified witness. The video was apparently edited using slow motion. The video also included superimposed text effects, reading “Choker Cop NYC” and “#icantbreathe.” The video appeared to show one interaction between PO Amador and § 87(2)(b) and one interaction between PO Amador and § 87(2)(b) **(Discussed in Allegation D)**.

§ 87(2)(b) The investigation made efforts to obtain the unedited video. The videographer was unidentified. § 87(2)(b), § 87(2)(b), emailed two video files to the CCRB, stating that the person who created the edited social media video sent the videos to her and told her that the files comprised the full “unedited video footage” forming the basis for the edited social media video. The person who provided the videos to § 87(2)(b) wanted to remain anonymous.

The first video provided by § 87(2)(b) depicts an interaction between PO Amador and § 87(2)(b). The video file is embedded below (See also BR 13).



201800301\_20180112\_1707\_DM.mp4

The video shows § 87(2)(b) wearing a black jacket with a red scarf wrapped around his neck and shoulders <00:00-00:01>. § 87(2)(b) stands in front of the ambulance, and PO Amador approaches him <00:06-00:07>. The camera is positioned to the left and slightly behind § 87(2)(b) and shows PO Amador push § 87(2)(b) twice <00:09-00:12>. During the first push, the video appears to show PO Amador’s right hand make contact with § 87(2)(b)’s upper left arm or chest, but the video does not show PO Amador’s left hand make contact with § 87(2)(b) because of the angle of the camera <00:09-00:10>.

During the second push, the video appears to show PO Amador’s right hand make contact near § 87(2)(b)’s neck, which is covered by his scarf <00:11-00:12>. The video does not show where PO Amador’s left hand makes contact with § 87(2)(b) if at all, due to the angle of the camera, but PO Amador’s left arm is positioned at a lower angle than his right arm <00:11>. See the embedded screenshots below from <00:11-00:12> seconds (BR 24):







§ 87(2)(b) reviewed the embedded video footage (file 201800301\_20180112\_1707). He stated that the video was consistent with his memory of the incident. He identified the second push <00:11-00:12> as the moment in which PO Amador allegedly wrapped both of his hands around his neck, squeezed his neck, and pushed him backward by his neck.

§ 87(2)(b) and § 87(2)(b) did not see PO Amador's interactions with § 87(2)(b) and § 87(2)(b) acknowledged that their memories of the incident were influenced the aforementioned edited social media video, which they viewed online after the incident, and they could not separate their independent recollections from their memories of the video. § 87(2)(b) provided inconsistent statements as to whether he saw PO Amador's interaction with § 87(2)(b) scene or was relying on his memory of the edited social media video he later saw.

According to PO Amador, he did not recall any specific interactions that he had with individual protestors because the incident was "chaotic" and because he pushed numerous protestors out of the street throughout the incident. PO Amador characterized the incident as "chaotic" because the civilians stood in the street, chanted and yelled various things, played drums, and refused numerous commands from officers to get out of the street.

PO Amador did not recognize § 87(2)(b) from his CCRB photograph. PO Amador did not recall any specific interactions that he had with § 87(2)(b). PO Amador denied that he grabbed § 87(2)(b)'s throat with both hands in the manner alleged. PO Amador did not recall if he made contact with § 87(2)(b)'s neck in any other way. PO Amador denied placing any civilian in a chokehold.

PO Amador reviewed the embedded video (file 201800301\_20180112\_1707). PO Amador did not recall the interaction depicted in the video. The video did not refresh his recollection of the incident or of any interactions that he had with § 87(2)(b).

§ 87(2)(g)

Members of the service shall not use a chokehold. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. Patrol Guide Procedure 221-01.

§ 87(2)(g)

**Allegation D – Force: At Broadway and Duane Street in Manhattan, Police Officer Numael Amador used a chokehold against § 87(2)(b)**

According to § 87(2)(b) he stood in front of the ambulance with the other protestors on Duane Street near the intersection of Duane Street and Broadway. The ambulance approached the intersection, attempted to turn left onto Broadway, but was unable to do so due to the large crowd of people standing in the intersection. § 87(2)(b) stood in front of the ambulance near the southwest corner of the intersection. § 87(2)(b) moved to the front of the crowd so that he stood in the street approximately 10 feet away from the front of the ambulance.

PO Amador approached § 87(2)(b) and grabbed the front of his throat directly under his chin. § 87(2)(b) was surprised and immediately pulled his head and body away from PO Amador's grip. PO Amador exerted pressure on § 87(2)(b)'s neck for approximately one to two seconds. § 87(2)(b)'s breathing was not restricted because the pressure to his throat was brief and because § 87(2)(b) immediately pulled away from PO Amador.

After § 87(2)(b) extricated himself from PO Amador's grip, he repeatedly moved around the street and positioned himself in front of the ambulance as it attempted to move down Broadway. PO Amador eventually placed § 87(2)(b) under arrest on Broadway a few blocks before the protest ended. PO Amador arrested § 87(2)(b) for reckless § 87(2)(b) (BR 21). § 87(2)(b) was the sole arrested civilian who § 87(2)(b) permitted to cooperate with the CCRB investigation.

As previously mentioned, § 87(2)(b) provided two video files to the investigation. The second video file (BR 14) shows an interaction between PO Amador and § 87(2)(b). The video file provided by § 87(2)(b) is embedded below. There was no other video that depicts the interaction between PO Amador and § 87(2)(b).



201800301\_20180112\_1708\_DM.mp4

The video shows a large crowd of protestors standing in front of the ambulance at Duane Street and Broadway. The video appears to show § 87(2)(b) the male wearing the multi-colored scarf, stand in the crowd while PO Amador approaches him, grabs the front of his neck with his right hand, and pushes § 87(2)(b) backward <00:10-00:12>. The video is recorded from an angle

in front of § 87(2)(b) so that it clearly shows the front of his neck. § 87(2)(b) the female with the brown curly hair and yellow placard affixed to her back, stands next to § 87(2)(b) and turns to face him immediately prior to the incident <00:10-00:11>. She immediately grabs PO Amador's right arm after PO Amador grabs the front of § 87(2)(b)'s neck <00:12-00:14>. The audio of the video reveals a male voice in the crowd say, "You're choking people, now? We got you on camera, choking people," immediately after PO Amador grabs § 87(2)(b)'s neck <00:16-00:24>.

§ 87(2)(b) and § 87(2)(b) all confirmed they saw PO Amador's interaction with § 87(2)(b) and described it consistently. § 87(2)(b) § 87(2)(b) and § 87(2)(b) did not witness PO Amador's interaction with § 87(2)(b).

PO Amador did not recall whether he grabbed the front of § 87(2)(b)'s neck during the incident, and he did not recall whether or not he made contact with § 87(2)(b)'s neck in any other way. PO Amador denied placing § 87(2)(b) in a chokehold. PO Amador viewed the video footage, but he did not recall the events shown in the video.

Members of the service shall not use a chokehold. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. Patrol Guide Procedure 221-01.

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

This is the first CCRB complaint (BR 16) to which either § 87(2)(b) or § 87(2)(b) has been a party.

PO Amador has been a member of the NYPD for five years and has been a subject of three prior complaints. In one of these complaints, four allegations were substantiated:

- In case 201505360, allegations of threat of arrest, retaliatory summons, discourteous word, and interference with a civilian's ability to video record were substantiated. The Board recommended administrative charges and the NYPD imposed a forfeiture of two vacation days.
- § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This case was unsuitable for mediation due to § 87(2)(b)'s arrest and due to the potential for future civil litigation.
- As of March 8, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR 17).
- According to the Office of Court Administration (OCA), neither § 87(2)(b) nor § 87(2)(b) has a history of convictions in New York City (BR 18).

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date